

BOARD OF COUNTY COMMISSIONERS

January 12, 2010

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Skidmore, Commissioner Duffy, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Minutes Supervisor Manley, Minutes Secretary Cournoyer. The following members were absent: None

The meeting was called to order at **9:00 AM**.

Invocation was given by Pastor Dana Narring, Faith Lutheran Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1 - F-7: Requested by: County Attorney: Addition of 1.2 Paragraph 2.4 Collection System Design and Construction as highlighted on attachment.

Change #2 - T-1: Requested by Administration - Move to Regular Agenda, becomes Z-9.

Change #3 - Z-7: Building and Construction Services - Further discussion and direction regarding information on the requirements for a Swimming Pool and Spa Cleaner Certificate of Competency and potential alternatives. Requested by Commission Office: Move to January 26, 2010 meeting.

Addition #1: Requested by: Growth Management - Z-10: Charlotte County Growth Management Department recommends "after the fact" approval for applying for an EPA Environmental Justice Small Grant.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

Proclamations - Commissioner Richard Loftus

Arts and Humanities Council Artist of the Month, Wilma Court, Proclamation for the month of January 2010.

COMMISSIONER CUMMINGS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, WILMA COURT, PROCLAMATION, FOR THE MONTH OF JANUARY 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Wilma Court.

Charlotte Harbor Regatta Week Proclamation Monday, February 1, 2010 through Sunday, February 7, 2010.

COMMISSIONER DUFFY MOVED TO APPROVE CHARLOTTE HARBOR REGATTA WEEK, PROCLAMATION, MONDAY, FEBRUARY 1, 2010 THROUGH SUNDAY, FEBRUARY 7, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Brian Gleason, Chairman, Charlotte Harbor Regatta.

Native Tree and Shrub Preservation Week Proclamation the week of January 17, 2010 through January 23, 2010.

COMMISSIONER SKIDMORE MOVED TO APPROVE NATIVE TREE AND SHRUB PRESERVATION WEEK, PROCLAMATION, THE WEEK OF JANUARY 17, 2010 THROUGH JANUARY 23, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by David Wilson, Charlotte Harbor Native Plant Advisory Committee.

Reannon Juergensen Day Proclamation the 12th day of January, 2010.

COMMISSIONER CUMMINGS MOVED TO APPROVE REANNON JUERGENSEN DAY, PROCLAMATION, JANUARY 12, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Reannon Juergensen.

St. Charles Borromeo Council 5399, Tootsie Roll Drive Days Proclamation January 28, 2010 through January 30, 2010.

COMMISSIONER SKIDMORE MOVED TO APPROVE ST. CHARLES BORROMEEO COUNCIL 5399, TOOTSIE ROLL DRIVE DAYS, PROCLAMATION, JANUARY 28, 2010 THROUGH JANUARY 30, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Bill Craig, Knights of Columbus, Council 5399, Port Charlotte.

Employee Recognition - County Administrator Roger Baltz and Commissioner Loftus

Five Years: Missy Christie, Environmental & Extension Services; Ben Jacobson, Utilities; Mary Anne Moseley, Utilities; Jane Ravella, Parks, Recreation & Cultural Resources; Alan Shauger, Environmental & Extension Services; Sheri Strong, Facilities;
Ten Years: J. Paul Payette, Real Estate Services; Dan Quick, Public Works; Beth Reed, Public Works; **Twenty Years:** Johnny Hunter, Environmental & Extension Services; **Twenty-Five Years:** Debra Alexander, Real Estate Services; Sylvia Kennedy, Parks, Recreation & Cultural Resources; John Lynch, Public Works; **Thirty Years:** William Dukes, Public Works

Presentations

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Pat Land, Judy Malbuisson and Julie Mathis spoke in opposition of rate increases related to agenda item Z-2.

Marty Moorehead spoke in support of approval of agenda item E-1.

Jeff Proffitt and Richard Renick commented on agenda item D-1.

II. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following Committees:

Affordable Housing Advisory Committee is seeking four members to serve. One residential home building representative, one home

building industry representative, one not-for-profit representative, and one real estate professional. Terms are for two years.

Construction Industry Licensing Board is seeking one volunteer to represent the licensed general contractor category. Must be a resident of Charlotte County for two years and hold a valid contractor's license. Length of term is four years.

Deep Creek Street & Drainage Unit Advisory Committee is seeking one volunteer to serve a two year term as the alternate member. Must be a resident of the unit.

Englewood East Street & Drainage Advisory Committee is seeking four volunteers, three regular members for three year terms, and one alternate member for a two year term.

Environmentally Sensitive Lands Oversight Committee is seeking two volunteers to represent the business/land development category. Length of term is three years.

Grove City Street & Drainage Unit Advisory Committee is seeking two volunteers, one to serve as a regular member and one volunteer to serve as the alternate member. Terms are effective immediately.

Harbour Heights Street & Drainage Unit Advisory Committee is seeking three volunteers to serve three year terms effective February 13, 2010. Must be residents of the unit.

Lemon Bay Street & Drainage Advisory Committee is seeking three volunteers, two to serve as regular members and one volunteer to serve as the alternate member. All terms effective immediately. Must own property and reside within the unit.

Little Gasparilla Island Community Planning Advisory Committee is seeking four volunteers, two to serve as Members-at-Large, one to serve as the representative from the Placida Beach Club Owner's Association, and one to serve as the representative from the Little Gasparilla POA. These terms are effective immediately and shall expire January, 2012.

Mid-Charlotte Stormwater Utility Unit is seeking one volunteer to serve as the Suncoast Boulevard Street & Drainage Unit representative. The volunteer must be a resident of the unit.

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one individual to voluntarily serve on the LCB Board. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged. The position is for a person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county. Your letter or email of interest stating the position for which you are qualified to represent should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

MPO - Citizens' Advisory Committee is seeking one individual to voluntarily serve as a South County Representative. Send a letter or e-mail of interest to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534. E-mail: office@ccmpo.com

Murdock Village CRA Advisory Committee is seeking one volunteer representing the banking and finance sector or appraisal sector, the latter as defined in Chapter 475, Florida Statute. The term is to finish an unexpired three year term, effective immediately.

Northwest Port Charlotte Street and Drainage Unit is seeking two regular members and one alternate to serve on the committee. Terms for three and two years. Volunteers must be residents of the unit.

Placida Street & Drainage Advisory Committee is seeking two volunteers as regular members to serve three year terms effective February 12, 2010.

Rotonda West Street & Drainage Advisory Committee is seeking two regular members and one alternate member. Terms effective February 2010.

South Bridge Waterway Municipal Service Benefit Unit is seeking two volunteers, one regular member and one alternate member. Must own property and live within the unit.

South Gulf Cove Street & Drainage Advisory Committee is seeking three volunteers; two volunteers to serve three year terms as

regular members and one volunteer to serve a two year term as an alternate member. Must be a resident of the unit.

South Gulf Cove Waterway Advisory Committee - is seeking two volunteers to serve three year terms as regular members. Must live within the unit. Terms effective immediately.

Suncoast Waterway Maintenance MSBU is seeking one volunteer to serve as the alternate member. Must own property and live within the unit. Term effective immediately.

Town Estates Street and Drainage Unit Advisory Board is seeking four volunteers to serve as regular members and one volunteer to serve as the alternate member. Must be residents of the unit. All terms effective immediately.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee Meeting Minutes of December 17, 2009

Minutes of the November 19, 2009 meeting of the Charlotte Harbor CRA Advisory Committee

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS D-1 AND D-2, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) **RECOMMENDED ACTION:** Approve Clerk's Finance Memoranda
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 08/09

Memorandum #1A - Status of Contingency Reserves - FY 09/10

Memorandum #2 - Total Disbursements for the Period December 1, 2009 through December 31, 2009 in the amount of \$35,907,469.04.

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Excess Funds on Tax Deed Applications

B. Minutes Division

RECOMMENDED ACTION: Approve Minutes for:

July 22, 2009 MSBU Public Hearing

July 28, 2009 Regular Meeting

July 30, 2009 Curmudgeon Town Hall Meeting

August 11, 2009 Regular Meeting

August 18, 2009 Land Use Meeting

August 25, 2009 Executive Session

August 25, 2009 Regular Meeting

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Claire Phelen to the Alligator Creek Waterway MSBU Advisory Committee. Length of term is three years. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Re-appoint Lucius Anthony and Barry Snider to serve on the Edgewater North Waterway District Advisory Committee. Terms are effective immediately and expire September 2012. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Reappoint Jack Bateman to the Environmentally Sensitive Lands Oversight Committee, representing the environmental expertise category and Judy Juliano representing the community representative category. Length of term is 3 years. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Set a public hearing for January 26, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to

consider an ordinance restricting consumption or possession of open containers of alcoholic beverages on public property and public right-of-way. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Appoint Robert J. Kueny as a regular member of the Suncoast Waterway Maintenance MSBU. This is a three year term effective immediately, expiring October, 2012. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Approve Environmental and Extension Services (EES) reorganization and Efficiencies plan of action. BUDGETED ACTION: None

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM D-1, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Skidmore expressed his concerns and reasons for recommending denial. **Commissioner Loftus** stated that he prefers to delay this item for two weeks in order to gather additional information from staff. **Commissioner Duffy** agreed with **Commissioner Loftus**.

MOTION FAILED 2:3.

COMMISSIONER LOFTUS MOVED TO POSTPONE AGENDA ITEM D-1 FOR TWO WEEKS TO THE JANUARY 26, 2010 MEETING, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

(2) RECOMMENDED ACTION: Approval of Tampa Bay Rays proposal to maintain the playing fields at the Charlotte Sports Park on a year round basis. BUDGETED ACTION: None. Funding is budgeted in Stadium O&M Fund.

Commissioner Skidmore explained that efforts are being made to retain the employees involved and that this is a contractual obligation that was signed a few years ago.

COMMISSIONER SKIDMORE MOVED TO APPROVE AMENDMENT TO AGREEMENT 2006-053, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

E. County Attorney

(1) *RECOMMENDED ACTION:* Adopt resolution permitting I.A.F.F. Local 2546 to conduct a Fill-the-Boot Drive to raise funds for the Muscular Dystrophy Association (MDA) along US Highway 41. *BUDGETED ACTION:* None

Resolution 2010-001

(2) *RECOMMENDED ACTION:* Approve a contract between Charlotte County and Robert F. Koch, Esq. to provide legal representation to the Construction Industry Licensing Board. *BUDGETED ACTION:* None

Agreement 2010-001

F. Budget and Administrative Services - No Items.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(1) *RECOMMENDED ACTION:* Approve Change Order #1 to Contract #09-159, Grounds Maintenance-Annual Contract, with Excavation, Etc. of Punta Gorda, FL in the amount of \$133,940.50 for a revised total contract amount of \$238,775.94. *BUDGETED ACTION:* None. Budgeted in various accounts. Funding is provided from various sources.

(2) *RECOMMENDED ACTION:* Approve cancellation of Contract #09-207, In-Home Elder Care Services, with Special Alzheimer's Technology (SAT). *BUDGETED ACTION:* None. Funding for contract is budgeted in the Special Grants Fund.

(3) *RECOMMENDED ACTION:* a) Approve award of Bid #10-038, Demolition - Commercial/Residential Structures Including Mobile Homes to Southwest Builders, Inc. of Cape Coral, FL for the period from date of award through and including September 30, 2010, at the unit prices specified on the attached tabulation; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year periods, at the same prices, terms and conditions, by mutual consent. *BUDGETED*

ACTION: None. The Public Safety Fund has budgeted \$145,000 in the Code Enforcement Division budget for FY10.

(4) RECOMMENDED ACTION: Award Bid #10-050, Paving Program FY 09/10, to the lowest responsive, responsible bidder Ajax Paving Industries of Florida, LLC of Nokomis, FL, for a total project cost of \$3,458,856.30. The purpose of this bid is to secure the services of an experienced, licensed contractor to furnish all materials, labor, equipment, and associated site work required to successfully complete road paving operations on various roads located throughout Charlotte County. BUDGETED ACTION: None. Paving is budgeted in projects c410306 Road and Bridge Paving Program, c410528 Boca Grande Paving program, and c410311 GPC Road Paving Program. Funds are supplied from Gas Taxes (\$676,350.45), Boca Grande Streets and Drainage MSBU (\$211,849.20), and Greater Port Charlotte Streets and Drainage MSBU (\$2,570,656.65).

(5) RECOMMENDED ACTION: a) Award Bid #10-059, Ready Mix Concrete - Supply & Deliver, to Tarmac Concrete of Venice, FL, at the unit costs submitted; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: None. Items will be placed into inventory and charged to the appropriate MSBU/TU or Gas Taxes when used.

(6) RECOMMENDED ACTION: Award File #10-110, VOIP Network Equipment for the new Health Department at \$83,696.80 and the Jail Expansion at \$173,317.00. These purchases are available as a "piggyback" from the Florida State Contract #250-000-09-1, which this portion was awarded to CDW Government, Inc., of Vernon Hills, IL. BUDGETED ACTION: None. Funds available in Capital Projects and Health Dept Fund.

(7) RECOMMENDED ACTION: Approve Amendment #1 (revised) to Contract #08-121, Methane Gas Collection - Landfill with GES - Port Charlotte, LLC, a subsidiary of MAS Energy LFG 1, LLC. Due to delays in obtaining a permit from the FDEP, the contractor is seeking an extension of 7 months. This is for landfill gas collection and conversion to energy project to be located at the Zemel Road Landfill. BUDGETED ACTION: None. No change in anticipated revenues is expected as a result of this amendment. Budgeted in the Charlotte County Landfill Fund.

Real Estate Services

(8) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of portions of two ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Sixty, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: Nazeem Ali and Bibi Nareema Ali) **BUDGETED ACTION:** None.

Resolution 2010-002

G. Building & Construction Services - No Items.

H. Economic Development - No Items.

J. Environmental Services

(1) **RECOMMENDED ACTION:** Approve submission of application for Florida Scrub-jay Habitat Restoration/Management on Non-Federal Public Lands 2010 Funding Opportunity with the Nature Conservancy. **BUDGETED ACTION:** None.

Grant 2010-006

(2) **RECOMMENDED ACTION:** Set a Board Workshop for January 26, 2010, at 2:00 p.m. or as soon thereafter as may be heard for a presentation updating the Board of County Commissioners on the status of the Countywide Scrub-jay Habitat Conservation Plan [HCP]. **BUDGETED ACTION:** None.

K. Facilities Construction and Maintenance - No Items.

L. Growth Management - No Items.

M. Human Resources - No Items.

N. Human Services

(1) **RECOMMENDED ACTION:** Board approval for the Chairman to sign two agreements for previously approved housing fund distributions: a) Charlotte County Housing Corporation agreement for Florida Homebuyers Opportunity Program Funds (FHOP). b) Charlotte County Habitat for Humanity agreement for Impact Fee

Reduction Incentive Program Funds (SHIP added funds). BUDGETED ACTION: None.

Agreement 2010-002 and Agreement 2010-003

P. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: Approve an amendment to the Parks, Recreation & Cultural Resources fee resolution for seasonal parking passes. BUDGETED ACTION: Funding for this expenditure comes from beach and boat ramp parking fees.

Resolution 2010-003

(2) RECOMMENDED ACTION: a) Approve a grant agreement with the Florida Department of Environmental Protection Recreation Trails Program for the Oyster Creek Waterfront Trail; and b) Authorize the Chair to sign the agreement. BUDGETED ACTION: None. Funding for this expenditure comes from Park Impact Fees (\$100,000 match) and the Florida Department of Environmental Protection (\$100,000).

Grant 2010-001

(3) RECOMMENDED ACTION: Set a public hearing for January 26, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance amending Chapter 1-11, Parks and Recreation, restricting the use of alcohol in county parks and recreational facilities. BUDGETED ACTION: None.

Q. Public Safety

(1) RECOMMENDED ACTION: Approve cancellation of public hearing scheduled for January 12, 2010 at 10:00 a.m. reducing the holding period for cats. BUDGETED ACTION: None.

(2) RECOMMENDED ACTION: a) Approve the EMS County Grant application for grant funds in the amount of \$29,635 to be used to improve and expand the County's pre-hospital Emergency Medical Services (EMS) system; and b) Approve a Resolution stating the County will not use the grant funds to supplant existing county EMS budget allocations. BUDGETED ACTION: None. The FY09/10 EMS budget will be amended when approval of the grant applications is received.

Grant 2010-002 and Resolution 2010-004

R. Public Works

(1) *RECOMMENDED ACTION*: Approve a resolution releasing a one-year road maintenance bond in conjunction with the River Club Subdivision. *BUDGETED ACTION*: None.

Resolution 2010-005

(2) *RECOMMENDED ACTION*: Approve and authorize the Chairman to sign Amendment #1, Traffic Signal Maintenance and Compensation Agreement between Charlotte County and the Florida Department of Transportation (FDOT). *BUDGETED ACTION*: None.

Amendment #1 to Agreement 2004-037

S. Tourism Development - No Items.

T. Utilities - No Items.

U. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) *Commission Office* - Please choose by ballot one (1) person to be the Charlotte County Representative to the Health Planning Council of Southwest Florida, Inc. This is a two year term, effective immediately and expiring Jan. 2012.

Mr. Baltz read the following votes by ballot into the record:
Darrell Barnes - 4 votes; David Wilson - 1 vote.

COMMISSIONER CUMMINGS MOVED TO APPOINT DARRELL BARNES TO BE THE CHARLOTTE COUNTY REPRESENTATIVE TO THE HEALTH PLANNING COUNCIL OF SOUTHWEST FLORIDA, INC. FOR A TWO (2) YEAR TERM, EFFECTIVE IMMEDIATELY AND EXPIRING JANUARY 2012, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(2) County Administration - Discussion and direction regarding SMG's proposed changes for fees for the Charlotte Harbor Event & Conference Center.

Kelly Shoemaker gave general comments. Gregg Caren and Jim Finch from SMG provided an update and gave a PowerPoint presentation per the packet material furnished. Ms. Shoemaker recommended approving accessory charges and coming back with a fee resolution. Mr. Finch fielded questions related to non-profit rate and 501C6's, half-rental rates, and the 4-hour minimum. **Chairman Starr** gave explanation for and clarified Ms. Shoemaker's recommendation.

Commissioner Cummings clarified the County subsidy of the Event Center, the importance of tax subsidy cost and services, and commented on profit and non-profit differences.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM Z-2 AND THE PROPOSAL IN ITS ENTIRETY, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Cummings' second to the denial was with a comment regarding dealing with revenue when the budget comes up again. **Commissioner Skidmore** agreed that the Event Center should be used primarily by local residents, commented on the number of bookings, gave reasons for moving denial now, and expressed the need for a good year of data before bringing the item back. There was further Board discussion on the subject.

Ms. Shoemaker clarified that majority of community-wide bookings book within a year, the bigger conferences book within 5 years, and commented on industry standard.

Commissioner Skidmore prefers to gather more data and commented it is not time to make the change. **Commissioner Cummings** emphasized increasing rates and reducing ad valorem to the center, but stressed the need to deal with the revenue side when budget comes up.

Chairman Starr commented on comparables, requested competitive venues, spoke in opposition of throwing the proposal out because of charges by competition, expressed desire for another proposal for ancillary items currently not charged for.

Ms. Shoemaker explained the Event Center is three times the size of the Cultural Center but agreed many events do not fit there.

Commissioner Duffy clarified she was not proposing changes to the Food & Beverage contract but commented on possibility of losing business due to the catering contract that affects rental revenues.

MOTION CARRIED 5:0.

(3) County Attorney - Board consideration and approval of Mediated Settlement Agreement with Peace River Authority on County approval for the Phase 1A Pipeline Project.

Attorney Knowlton explained the purpose of the agenda item. **Commissioner Skidmore**, the BCC representative, provided background and gave a PowerPoint presentation per the packet material.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-3, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings commented on the improvement in contract, that a different process and representation is needed at the Water Authority, and recommended appointing **Commissioners Skidmore** and/or **Loftus** as Board representative and the other as alternate.

Board discussion ensued.

Mr. Baltz explained that there will be a quick payment of design, commented on cost associated with Kings Highway, and that Charlotte County's portion comes from the penny sales tax.

Commissioner Cummings agreed with **Chairman Starr's** comments on the project, spoke in support and gave reasons why, and opined that a new representative on the Authority is needed.

Commissioner Loftus clarified that Charlotte County was treated the same as Sarasota County. Mr. Baltz responded the contracts are not the same but the methodologies are. **Commissioner Skidmore** disagreed and requested comments from Terri Kesner.

Terri Kesner provided additional detail. **Commissioner Loftus** requested comments from Mr. Manson from the Water Authority.

Mr. Manson stated that issues were thoroughly discussed during the mediation. **Commissioner Loftus** clarified the City of North

Port and Sarasota County portions of the contracts were the same as Charlotte County's. Mr. Manson responded in detail.

There was additional Board discussion.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

COMMISSIONER CUMMINGS MOVED TO APPOINT A NEW REPRESENTATIVE TO THE WATER AUTHORITY, SECONDED BY CHAIRMAN STARR.

Commissioner Cummings commented on changes in the Water Authority he believes that need to be made to benefit Charlotte County.

Commissioner Duffy opined this is a personal vendetta and indicated there has been a change in our relationship with the Water Authority since **Commissioner Loftus** has been our representative and spoke in opposition to the motion. **Commissioner Skidmore** stated he had no interest in being on the Water Authority Board.

MOTION FAILED 2:3.

RECESS: 11:00 AM - 11:15 AM

VI. PUBLIC HEARING AGENDA - 10:00 A.M.

(1) Parks, Recreation and Cultural Resources - Conduct a public hearing to consider approval of an amendment to Ordinance Number 2004-004 governing parking at County beaches and boat ramp parks; providing for the charging of fees for parking; providing for exceptions, enforcement and penalties.

Mr. Koenig provided comments regarding the need for the amendment and explained where passes could be purchased. **Commissioner Skidmore** commented on areas of expansion, to which Mr. Koenig responded.

Commissioner Loftus spoke in support of the ordinance. **Chairman Starr** suggested the use of "hangers" so families with more than one car can move it from car to car.

COMMISSIONER SKIDMORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-001,
SECONDED BY COMMISSIONER LOFTUS.**

MOTION CARRIED 5:0.

(2) Human Services - Conduct a public hearing to consider approving an ordinance which will abolish the Indigent Health Care Advisory Board and repeal Ordinance No. 93-25 as amended by 2000-040 in its entirety.

Vikki Carpenter explained the purpose of the agenda item.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED
BY COMMISSIONER SKIDMORE.**

MOTION CARRIED 5:0.

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-002,
SECONDED BY COMMISSIONER LOFTUS.**

MOTION CARRIED 5:0.

(3) Growth Management - Conduct a Public Hearing to consider approving a resolution for San Casa Holdings, LLC requesting a Variance to the Transfer of Density Units ordinance. The request is to delay the time at which they need to transfer density until submittal of the Final Site Plan Review for the subject site. (Quasi Judicial)

Chairman Starr polled the Board for ex parte disclosure. Commissioners advised ex parte would be furnished to the Clerk. (Minutes Supervisor Manley administered the oath to prospective witnesses.)

Inga Williams provided a history, gave a presentation based on packet material, and indicated staff recommend approval.

Commissioner Skidmore confirmed applicant's agent provides the legal description and asked why it is incumbent on the people to fix the error of applicant. Ms. Williams explained Growth Management did not catch the mistake when it initially came in, did not recall how the error was caught, but believed the Property Appraiser's office may have brought it to their attention. Attorney Derek Rooney explained why the issue was brought to the BCC and stated the department agreed to help

rectify the situation. **Commissioner Skidmore** expressed concern of appeasing big development at the cost of the citizens.

Attorney Rooney stated that the Transfer of Density Units (TDU) was initiated by the current owner with the belief that the County is partially to blame; and indicated it is not a special situation being granted to the applicant as anyone could have brought it forward.

Commissioner Skidmore expressed concern the entire process would affect the development and spoke in opposition of approving the item.

Commissioner Duffy clarified with Attorney Knowlton the difference between Quasi-judicial and Legislative, and indicated that the BCC is bound by law to take certain things into consideration.

Attorney Geri Waksler spoke in support of the agenda item on behalf of applicant, explained that San Casa Holdings LLC was not the applicant when the error was made, pointed out a litigation approach was not taken when the error was found, but to work through the County process to take care of the issue, and that only the variance issue is before the Board at this time, deferring the time for the TDU ordinance, and requested approval.

Commissioner Skidmore asked about analysis of infrastructure. (**Jie Shao and Robert Halfhill were administered the oath by Minutes Supervisor Manley**) and commented further to **Commissioner Skidmore's** infrastructure concerns.

Chairman Starr inquired about the lake on the property and commented on possible wetlands surrounding the area and possible difficulties in filling the lake in. Ms. Williams and Ms. Waksler responded in detail.

Attorney Michael Haymans presented hand out material and spoke on behalf of various individuals in opposition of this item.

(**The oath was administered to Elliott Helfand by Minutes Supervisor Manley.**) Mr. Helfand recommended that the developer and San Casa (Oleda) residents get together and determine if a mutual agreement could be had for development.

COMMISSIONER SKIDMORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Attorney Waksler stated that her client would meet with the residents if a contact number is furnished and rebutted Attorney Haymans' comments.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM VI-3, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings indicated this is a Quasi Judicial proceeding, commented on conditions that need to be met, and expressed his concerns.

Attorney Rooney agreed with certain points that Attorney Haymans made. **Commissioner Cummings** commented on his understanding from Attorney Rooney's comments. Attorney Rooney responded in detail. **Commissioner Cummings** stated that he tends to support the motion based upon the testimony and indicated the issue is between two landowners. **Commissioner Skidmore** clarified that the non-applicant side presented creditable evidence and spoke in support of the motion.

Commissioner Loftus clarified the size of the parcel. Attorney Rooney responded in detail. **Commissioner Duffy** requested clarification on a portion of the handout given by Attorney Haymans. Attorney Rooney responded. Attorney Waksler explained that the recorded ordinance was reflected and excluded in the title search, which only had the legal description attached.

Commissioner Duffy asked if staff recommends approval. Attorney Rooney responded in detail.

Attorney Haymans responded to **Commissioner Skidmore's** inquiries about title insurance. **Commissioner Duffy** commented on research and comments that had previously been furnished to her by the residents, indicating that often misinformation is provided, and added that she will vote in favor of the item but needs more information before the Land Use item comes before the Board. **Commissioner Skidmore** spoke in opposition of the item.

(The oath was administered to Jeff Ruggieri by Minutes Supervisor Manley.) Mr. Ruggieri stated this is initiated by the

applicant as the first process and if denied everything on this project would stop today.

Commissioner Duffy indicated she would support the item.

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

Z. Regular Agenda (continued)

(4) County Administration - Discussion of potential new stimulus monies.

Commissioner Skidmore presented the item and requested the Board give direction to move forward with information gathering.

Jason Stolfus provided additional information and requested approval for Transportation to work with MPO. **Commissioner Skidmore** clarified what he had said at Pre-Agenda and commented on other groups he had sent information to in order to determine areas that would qualify.

Commissioner Loftus expressed concern to keep energy in mind. Mr. Stolfus commented on what was/was not available for energy.

Commissioner Duffy stated she had talked to the Ferguson Group about energy possibilities, mentioned an email received from Ms. Shoemaker related to the issue, that most opportunities are not ARRA-related, and that deadlines have passed. Ms. Shoemaker stated that staff does monitor non-ARRA grants, that her email statement was incorrect, explained the need to fit into certain criteria, applying for appropriate programs, and trying to cover every opportunity.

Mr. Stolfus stated he would give an update on current stimulus funding at the next meeting, and mentioned the second stimulus package. **Commissioner Loftus** commented on the population issue in detail.

Chairman Starr gave his opinion on stimulus packages and opined that Board direction has been given. **Commissioner Skidmore** commented on further direction.

(5) County Attorney - Select by ballot a new third non-voting alternate member for the Charlotte Review Commission.

Attorney Knowlton advised a member has tendered resignation and that Patricia Kelley and David Reuben are the candidates. Mr. Baltz read the following votes by ballot into the record: Patricia Kelley-4 votes; David Reuben-1 vote.

COMMISSIONER CUMMINGS MOVED TO APPOINT PAT KELLY TO SERVE AS A THIRD NON-VOTING ALTERNATE MEMBER FOR THE CHARLOTTE REVIEW COMMISSION, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

RECESS: 12:50 PM - 1:20 PM

(6) Economic Development - Discussion and direction regarding the execution of the Economic Development Transportation Fund (EDTF) Agreement of State Project ID 08-00325 (Charlotte County Project #2008014-Diesel Mist). The original application was presented to the Board at its meeting on January 27, 2009 and an addendum was approved which authorized the Chair to execute on February 24, 2009.

Don Root gave a presentation based upon the packet material.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-6 (GRANT 2009-006), SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(There was **Board Consensus** to take Agenda item Z-9 out of order.)

(9) Utilities: **RECOMMENDED ACTION:** Approve the 2010-2011 Charlotte County 20-year projected water demands for submittal to the Peace River/Manasota Regional Water Supply Authority (Authority) and request that Exhibit C in the Master Water Supply Contract be replaced with this year's projections including the seven (7) year period ending 2017. **BUDGETED ACTION:** None

Terri Kesner explained that a 20-year projected water demand is being presented that would be submitted to the Peace River/Manasota Regional Water Supply Authority, that an exhibit "C" letter needs to change, and requested approval for submission.

Mr. Baltz clarified the method of how the projections were done. Ms. Kesner responded all numbers used are provided by the state. Mr. Baltz stated since signing the contract, the demand projections have changed dramatically, that there is no need for new water supply until 2029, and commented on additional information provided to the Water Authority. Ms. Kesner stated the Water Authority is putting plans into place at this time and stressed importance of giving information to the Water Authority at this time.

Commissioner Loftus stated he was not comfortable with projections but would approve the proposal, and commented on changes he would like to see made.

COMMISSIONER CUMMINGS MOVED TO APPROVE STAFF RECOMMENDATION FOR AGENDA ITEM Z-9, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Duffy asked about the new water sources proposed by the Water Authority. Ms. Kesner did not have specific details but commented on that portion she was aware of.

Commissioner Loftus stated the Water Authority is investigating possibilities but opined it is not ready to be acted upon.

Mr. Lehman of the Water Authority agreed there has been a considerable change; that sources have been identified but that no development is presently anticipated.

Commissioner Cummings inquired about the development budget. Mr. Lehman responded in detail.

There was additional Board discussion on projected water demand needs. Ms. Kesner gave her best guesstimate.

Commissioner Cummings commented on the projections and spoke in support of approval.

Commissioner Loftus expressed concern that numbers are inaccurate, noted the use of larger pipes as the cause, and spoke in support of approval but to also gather actual numbers.

MOTION CARRIED 5:0.

(8) County Attorney - Approve and ratify (or withdraw) of Objection to North Fort Myers Utility's PSC Application to extend its Water and Wastewater service into Charlotte County.

Attorney Knowlton explained the purpose of this agenda item.

COMMISSIONER SKIDMORE MOVED TO WITHDRAW, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings gave recommendations for the Board to consider before withdrawing, commented on zoning and certificated area, and expressed concern about withdrawing without weighing the consequences.

Chairman Starr spoke in opposition of giving a certificated area of CCU to another utility and expressed concerns on withdrawing the motion.

Commissioner Skidmore asked Attorney Waksler about stopping her client. Ms. Waksler responded that her client is going forward based upon the 2050 plan, and indicated there are a couple issues that would require them to go to North Fort Myers Utilities.

Commissioner Skidmore stated he does not want to prohibit anyone from using their property. **Chairman Starr** commented on the possibility of CCU being able to go into someone else's certificated area. Ms. Waksler responded in detail.

Ms. Kesner commented on a water use permit with the SFWMD to draw water from Babcock.

Commissioner Duffy commented on transferring from one water district to the other and opined the prudent thing is to allow the developer to get their water from North Fort Myers. Ms. Kesner commented on negotiations with North Fort Myers for bulk providing of water but not giving up the certificated area. **Chairman Starr** spoke in opposition of giving up any certificated areas.

Jeff Ruggieri fielded questions from **Commissioner Cummings** related to preserve land combination of Webb, Flatwoods and

other parcels and the amount of Board control on the extension of the service area.

COMMISSIONER SKIDMORE MOVED TO CALL THE QUESTION, NO SECOND REQUIRED.

MOTION CARRIED 5:0.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(10) Growth Management Department: **RECOMMENDED ACTION:** Charlotte County Growth Management Department recommends "after the fact" approval for applying for an EPA Environmental Justice Small Grant.

COMMISSIONER SKIDMORE MOVED TO APPROVE GRANT 2010-003, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

X. CITIZEN INPUT - ANY SUBJECT

Howard Shaw commented on parking permits, adjacent property owners, MSBU for North Edgewater Canal System, and expressed concerns regarding the bridge.

Lucius Anthony commented on North Edgewater MSBU.

Jessica Stubbs commented on concerns with policy changes that affect Charlotte County.

Geri Waksler commented on questionability of evidence previously presented by Attorney Haymans regarding PH VI (3) and requested reconsideration if the BCC based their decision on this information.

AA. County Administrator:

Mr. Baltz mentioned an upcoming meeting with legal representative related to Babcock Ranch, commented on provision for Charlotte County to apply for a water use permit on the Babcock Ranch property, mentioned RAI's (Request for Additional Information) related to water management district's criteria, and gave a briefing and update on the water issue.

Mr. Baltz reported on a meeting with the City related to economic incentives, mentioned an upcoming joint meeting on 1/20 and that information will be brought back to the Board, asked for Board direction to hold a goal setting workshop (**Board Consensus**) and proposed the date of January 22nd from 9:00 AM to Noon.

Mr. Baltz requested Board direction in having BCC meetings at alternative county locations at 6:00 PM.

Commissioner Loftus spoke in opposition of evening meetings other than annual state of the county meetings because of costs involved.

Commissioner Duffy mentioned town hall meetings from the previous year and spoke in favor of holding them again, spoke in opposition to evening BCC meetings due to lack of attendance, but suggested trying it once.

Commissioner Cummings spoke in opposition to evening BCC meetings due to numbers in attendance but in support of infrequent town hall meetings. **Commissioner Skidmore** spoke in support of at least one nighttime meeting and of holding meetings in alternative locations.

Chairman Starr suggested having a BCC meeting with a town hall meeting afterwards thereby creating an extension of Citizen's Input.

There was **Board Consensus** to hold one meeting at night. Mr. Baltz stated that the matter could be discussed further at the Goal Setting Workshop. **Commissioner Duffy** commented on the Town Hall meeting held with the Charlotte County Young Professionals in order to seek input from different facets of the population.

BB. County Attorney:

None

CC. Commissioner Comments:

Commissioner Skidmore questioned the necessity of Pre-Agenda meetings.

Commissioner Loftus spoke in support of pre-agenda meetings, suggested that the Board set up a time to tour the water plant and reservoir, requested the County Attorney review what was brought forward at public input on San Casa and review the decision, being able to resolve it at the next appropriate meeting.

Commissioner Skidmore addressed Mr. Shaw's comments on beach tickets and stated he would work with County Attorney to reduce the beach fines, but noted there is State Statute involved, and asked Ms. Knowlton to come up with a local parking fine that would be prosecuted by the county.

Commissioner Skidmore mentioned an upcoming joint town meeting with Commissioner Staub, commented on Transportation and Investment Generating Economic Recovery (TIGER) grants, and widening of River Road.

Commissioner Skidmore proposed the creation of a sports authority or sports commission for Charlotte County Sports Park, suggested directing Administration to keep it on the radar, and commented on trip to Tallahassee with Mr. Sandrock related to Stump Pass permit.

Commissioner Skidmore provided update on Manasota Key Advisory Committee, asked for direction for Growth Management staff to review By-laws, modify as needed, and indicated he placed the item on the agenda for 1/26/10.

Commissioner Cummings commented on supporting the creation of the Manasota Key neighborhood plan and overlay, spoke in support of keeping pre-agenda, expressed concern regarding Quasi-judicial decision with TDU, commented on issue with zoning maps, and Conservancy of SW Florida position related to additional classifications.

Commissioner Cummings referred to **Commissioner Skidmore's** comments during conversation regarding Water Authority and proposed putting the matter on the next agenda if open to making a change. **Commissioner Skidmore** responded he is open to hearing the issue on another day. **Commissioner Cummings** moved (as direction) to put the item on the 1/26/10 agenda. **Commissioner Skidmore** and **Chairman Starr** were in favor. **Commissioner Duffy** was not in favor and gave reasons why, commented on Mr. Shaw's concerns regarding the bridge on Edgewater, asked if staff could research the matter, and to look into the lack of meetings of

the MSBU, commented on San Casa property issue, the Conservancy issue, spoke in support of keeping pre-agenda meetings, accepted **Commissioner Skidmore's** recommendation that staff clean up the Manasota issue, commented on people parking on other people's lawns, the need to clean up Charlotte County, and inquired if there is a policy.

Chairman Starr questioned the necessity of pre-agenda meetings due to costs involved and agreed with **Commissioner Skidmore's** recommendations related to Manasota Key. **Commissioner Skidmore** confirmed that the Advisory Board will continue. **Chairman Starr** commented on notes received from people about hooking up to sewers in Englewood East and that Ms. Knowlton needs more direction from Board on this issue.

Commissioner Cummings commented on the possibility of getting a legal determination. **Commissioner Skidmore** commented that he had a discussion with Mike Ray at Englewood Water District and agreed with **Commissioner Cummings'** comments.

Commissioner Loftus spoke in support of taking the time to work with the Englewood Water District and the citizens. **Commissioner Duffy** agreed with **Commissioner Loftus**. **Chairman Starr** opined that definition is needed.

Chairman Starr commented on septic tank issue, managed ATUs, operational costs and inefficiencies, proposed changing Florida Rule, gave explanation of what is required, and commented on amending codes and laws. **Commissioner Skidmore** requested that options be put in memo form and spoke in support of moving forward. **Commissioner Duffy** agreed with **Chairman Starr's** comments.

Commissioner Cummings suggested bringing DCA in on the issue, expressed the need for the state to give an estimate of what is acceptable. **Chairman Starr** commented on working with DCA to get approval to get rid of the ATUs and that he will furnish information to Ms. Knowlton to pass around. **Commissioner Loftus** spoke in favor of option 2 and 3 and working with DCA.

Chairman Starr recommended having a managed septic tank program and expressed the need to change or modify the state statutes.

Commissioner Loftus provided additional comments regarding the sewer issue and spoke in favor of establishing a good sewer

management plan but not in favor of installing septics when sewers come in. There was Board discussion on the subject.

Hermann Valasco, Health Department Director, stated that as long as the septics are not polluting the ground, patching is allowed for short-term. Extensive Board discussion ensued.

Commissioner Loftus mentioned that there was supposed to be a water/sewer workshop early in the year and that it needs to be all encompassing with a 10 year projection.

Commissioner Starr commented on items considered wants versus needs that have been approved by the Board in the past few weeks. There was Board discussion.

ADJOURNED: 4:00 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

**BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS**

**By: Signature on file in Commission Minutes
Deputy Clerk**

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